

Ephraim Sneh, wrote in the Washington Post on October 19, 2005: "Attempts to postpone the elections yet again, or to prevent Hamas's participation, or Israeli disruption of the elections as 'punishment' for the participation of Hamas, will strengthen Hamas in the Palestinian street instead of weakening it. The short time left before the elections must be used to empower all who oppose Hamas, first and foremost the supporters of the elected Palestinian president, Mahmoud Abbas."

Mr. Speaker, I am committed to doing all we can to support the fragile peace in the Middle East. Sabre-rattling resolutions like this are only counterproductive.

INTRODUCTORY STATEMENT TO ACCOMPANY THE NATIONAL SECURITY LETTER AND CONGRES- SIONAL OVERSIGHT ACT

HON. JANE HARMAN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Ms. HARMAN. Mr. Speaker, two days ago, the House passed the conference report to H.R. 3199 reauthorizing certain expiring provisions of the USA PATRIOT Act.

The final bill failed to include adequate safeguards on national security letters, NSLs, which are requests for personal data and records issued directly by Government agencies without the approval of a judge.

NSLs have existed since the 1970s, but their use—primarily by the FBI—greatly expanded after 9/11. Using NSL authorities, the Government has collected and maintained data on thousands of Americans.

NSLs are important investigative tools, but their use has grown rapidly—and without adequate oversight.

NSLs may be issued by the FBI without asking a judge for a warrant. In this way, they differ from orders under the Foreign Intelligence Surveillance Act, FISA, for business records under section 215 of the PATRIOT Act, the so-called library provision. Section 215 orders must be approved by a Federal judge.

NSLs have been characterized as "back doors" for obtaining library and other records that may not be available under FISA. If 215 orders can be called "fishing licenses," then NSLs allow fishing without a license.

Defenders of NSLs liken them to grand jury subpoenas. However, they are different in important respects. First, grand jury subpoenas may only be issued by a U.S. Attorney as officer of the court. NSLs may be issued by an FBI agent in the field without any review by a jury or court. Second, grand jury subpoenas may only be issued after suspicion that a Federal crime has occurred; for NSLs, the standard is much lower—requiring only that the information sought is "relevant" to a national security investigation.

Congressional oversight of NSLs is almost nonexistent. Congress receives a classified one-page summary listing aggregate numbers of NSLs at least 6 months after they are issued. These reports are essentially meaningless and are the only oversight Congress at present exercises.

Clearly, there is a need to reform NSL standards and processes. This bill addresses

this need by incorporating checks and balances on the front-end and back-end of the process.

On the front-end, the bill: Restores the pre-Patriot Act standard for issuing NSLs: the government must show a specific connection to a terrorist or foreign power before an NSL could be issued; requires approval of each NSL by a FISA Court or designated federal magistrate judge; requires the FISA Court to set up an electronic system for filing NSL applications, so that requests are expedited and investigations will not be slowed down.

On the back-end, the legislation: Provides a Sense of Congress that, in cases where an NSL recipient challenges the "gag"/non-disclosure requirement, the government's certification that harm to national security will occur shall be treated as a "rebuttable" presumption, not as "conclusive" evidence that harm would occur; requires minimization procedures to ensure destruction of information obtained through NSL requests that is no longer needed; and requires detailed semi-annual reports to the Congressional Intelligence and Judiciary Committees on all NSLs issued, minimization procedures, court challenges, and how NSLs aided investigations and prosecutions.

We must arm our investigators with the tools to catch terrorists, spies and others who threaten our national security. But, we must do so in a manner that protects the cherished liberty and privacy expectations of U.S. citizens.

This legislation will not hobble the investigative process nor hamper our pursuit of the terrorists. It will impose much-needed accountability and oversight.

TRIBUTE TO HUBERT WILKENS

HON. IKE SKELTON

OF MISSOURI

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. SKELTON. Mr. Speaker, let me take this means to congratulate and pay tribute to Hubert Wilkens of Concordia, MO, who recently received the Safe Driver Award from OATS Public Transportation. He has distinguished himself and the Concordia community with dedicated service.

Hubert Wilkens was given the Safe Driver Award for 4 years of driving the OATS bus without an accident. Mr. Wilkens picks up senior citizens from the city of Concordia and the outlying rural area. He transports them to the grocery store, doctor, chiropractor, dentists appointments and to the Concordia Senior Center.

Mr. Speaker, Hubert Wilkens has been dedicated to making the City of Concordia a better place to live. I am certain that my colleagues will join me in wishing him and his wife Eunice all the best.

PERSONAL EXPLANATION

HON. JIM McDERMOTT

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. McDERMOTT. Mr. Speaker, I was unavoidably detained earlier today and therefore missed the vote on House Resolution 534.

Were I able to vote, I would have voted in support of the resolution.

RECOGNITION OF THE CENTER FOR RESEARCH ON EVALUATION, STANDARDS, AND STUDENT TESTING (CRESST)

HON. HOWARD P. "BUCK" McKEON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. McKEON. Mr. Speaker, I rise to recognize the University of California at Los Angeles' (UCLA) Center for Research on Evaluation, Standards, and Student Testing (CRESST) for their work in helping to improve education performance.

For more than 30 years, the UCLA Center for the Study of Evaluation (CSE) and, more recently, CRESST, have been on the forefront of efforts to improve the quality of education, training, and learning in America. Located within UCLA's Graduate School of Education & Information Studies, CSE/CRESST has pioneered the development of scientifically based evaluation and testing techniques, vigorously promoting the accurate use of data, test scores, and technology for improved accountability and decision making. Their work has been used in both civilian and military learning sectors. CRESST has created products used by schools serving millions of students and adopted force wide by the Armed Services. They are also an internationally recognized leader in education assessment and evaluation.

UCLA/CRESST is truly a center of excellence for educational research, development, and evaluation. I look forward to their being able to continually serve our great country and to assisting the numerous federal agencies that need effective and objective education and training research, development, and evaluation techniques.

RECOGNIZE AND CONGRATULATE CHIEF DEPUTY C. PHILLIP BYERS FOR BEING SWORN IN AS SHERIFF OF RUTHERFORD COUN- TY

HON. PATRICK T. McHENRY

OF NORTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, December 16, 2005

Mr. McHENRY. Mr. Speaker, Rutherford County, in the 10th district of North Carolina, will be swearing in a new Sheriff on December 30th of this year. I would like to recognize and congratulate the extremely qualified Chief Deputy C. Philip Byers on becoming Sheriff of Rutherford County.

Sheriff-elect Byers has 15 years of law enforcement experience under his belt, and has faithfully served the Rutherford County Sheriff's Office for the past 4 years as the Chief Deputy. Having degrees from Appalachian State University and Western Carolina University, he was a teacher and a business owner before deciding to serve his community as a police officer. In addition, his wife Sheila is dedicated to serving the community through the North Carolina Vocational Rehabilitation